

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

DISH NETWORK L.L.C.

Plaintiff,

v.

AMERICAN BROADCASTING
COMPANIES, INC., CBS CORPORATION,
the FOX ENTERTAINMENT GROUP, INC.,
FOX TELEVISION HOLDINGS, INC., FOX
CABLE NETWORK SERVICES, L.L.C., and
NBC UNIVERSAL MEDIA, L.L.C.,

Defendants.

12-CV-4155 (LTS)(KNF)

**ORAL ARGUMENT
REQUESTED**

**NOTICE OF MOTION TO DISMISS DISH NETWORK'S COMPLAINT
PURSUANT TO F.R.C.P. 12(b)(6) AND 28 U.S.C. § 2201**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, Defendants Fox Entertainment Group, Inc., Fox Television Holdings, Inc., and Fox Cable Network Services, L.L.C. (collectively, "Fox") by and through undersigned counsel, and in accordance with the Court's Order dated May 30, 2012, will move this Court before the Honorable Laura Taylor Swain, United States District Court, 500 Pearl Street, New York, New York, at a hearing scheduled for July 2, 2012, for an Order dismissing the Complaint in this matter with prejudice under Federal Rules of Civil Procedure 12(b)(6) and 28 U.S.C. § 2201, and granting such other and further relief as the Court deems just and proper.

In accordance with this Court's Individual Practice Rule 2.b, Fox used its best efforts to resolve informally the matters in controversy. Specifically, counsel for Fox sent Plaintiff's counsel a letter outlining Fox's legal position, and counsel for Fox discussed the issues with Plaintiff's counsel in a subsequent telephone conference. The parties were unable to resolve

the matters raised by this Motion.

The Complaint has not been amended in response to the arguments raised by this Motion.

Dated: June 8, 2012

/s/ Susan J. Kohlmann

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